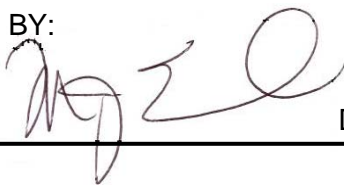




DEPARTMENT OF MENTAL HEALTH POLICY/PROCEDURE

SUBJECT EMPLOYEES ABILITY TO PROVIDE GOODS AND SERVICES UNDER FEDERALLY FUNDED HEALTH CARE PROGRAMS	POLICY NO. 106.03	EFFECTIVE DATE 11/28/2012	PAGE 1 of 6
APPROVED BY:  Director	SUPERSEDES 112.04 11/28/2012	ORIGINAL ISSUE DATE 11/01/2004	DISTRIBUTION LEVEL(S) 1

PURPOSE

- 1.1 To establish guidelines that prohibit the employment of any individual, in any capacity, whether clinical or non-clinical, who is excluded, suspended, debarred, or otherwise made ineligible to provide services under federally funded health care programs.
- 1.2 To establish guidelines designed to avoid the imposition of civil monetary penalties on the County and to ensure compliance with federal and State regulations regarding employment of excluded and/or suspended individuals.
- 1.3 To establish the frequency for sanction screening to be once per month for the Department's workforce members and as-needed for individual reviews to complete hiring or transferring transactions.

DEFINITION

- 2.1 **Workforce:** For the purpose of this policy, the definition of the Los Angeles County Department of Mental Health (LACDMH) workforce includes employees, volunteers, consultants, locum tenens, interns, trainees, and any other persons whose conduct in the performance of their work is under the direct control of LACDMH, whether or not they are paid by the County. This includes individuals who provide services to clients and those who provide administrative, managerial and/or support services.
- 2.2 **Sanction Lists:** The federal and State governments maintain lists of individuals and entities that have been excluded, suspended, debarred, or otherwise made ineligible to participate in federally funded health care programs including, but not limited to, Medicare and Medi-Cal. These lists must be used to screen future and current workforce members to ensure LACDMH does not employ individuals excluded from participating in federal health care programs. (Attachment 1)



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2.3 **Excluded:** Excluded means that a determination has been made by the Health and Human Services, Office of Inspector General (OIG) or other federal agency, that payment may not be made by a federally funded health care program for items or services furnished, ordered, or prescribed by individuals who have been debarred. This definition includes overhead functions (administrative and management) not directly related to patient/client care that are a necessary component of providing services to federal program beneficiaries. This determination continues to apply to an individual even if they change from one health care profession to another while excluded.

2.3.1 There is no automatic reinstatement for an excluded individual. An individual who is excluded remains excluded until such time as all specified reinstatement procedures are completed regardless of whether or not the period of exclusion has been completed. Completion of the reinstatement process is subject to the sanctioning agency's approval.

2.4 **Suspended:** Suspended or ineligible means that a determination has been made by California's Department of Health Care Services (DHCS) that payment may not be made by a federally funded health care program for items and services furnished, ordered, or prescribed by suspended or ineligible individuals. This definition includes overhead functions (administrative and management) not directly related to patient/client care that are a necessary component of providing services to federal program beneficiaries. This determination continues to apply to an individual even if they change from one health care profession to another while suspended.

2.4.1 An individual that is suspended or ineligible remains suspended or ineligible until such time as the individual has been formally reinstated for participation in federally funded health care programs.

2.4.2 There is no automatic reinstatement for a suspended individual. A suspended individual remains suspended until such time as all specified reinstatement procedures are completed regardless of whether or not the period of suspension has been completed. Completion of the reinstatement process is subject to the sanctioning agency's approval.



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POLICY

- 3.1 LACDMH will not knowingly hire or continue to employ individuals who have been recently convicted of a criminal offense related to health care, or who are excluded, suspended, debarred, or otherwise ineligible to provide goods or services under any federally funded health care programs.
- 3.2 LACDMH will review federal and State sanction lists each month to validate that no workforce members have been excluded, suspended, debarred, or otherwise made ineligible to provide services under federally funded health care programs.
- 3.3 DMH Human Resources Bureau (DMH-HRB) will obtain signatures of all new employees, upon hire and transferring in from other departments, and all other employees on a yearly basis thereafter, on the Statement of Ability to Provide Services under federally Funded Health Care Programs form attesting that they are eligible to provide direct and indirect services under federally funded health care programs.
 - 3.3.1 Refusal to sign the Statement of Ability to Provide Services under federally funded health care programs will be cause for denial of a request for employment, transfer from another County department, and/or will be cause for termination of employment with LACDMH.
- 3.4 It is the responsibility of the employee to disclose to their Program Manager or supervisor, in writing, immediately should the employee become excluded, suspended or debarred from providing direct or indirect services under any federally funded health care program during the course of their employment.
- 3.5 It is the responsibility of the employee to notify their Program Manager or supervisor should the employee during the course of their employment become aware that another employee has become excluded, suspended, or debarred, or has been charged with a criminal offense related to health care.



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PROCEDURE

- 4.1 DMH-HRB will obtain signatures of all new employees, upon hire and transfer, on the Statement of Ability to Provide Services under federally Funded Health Care Programs form, attesting that they are eligible to provide services under a federally funded health care program and have not been:
 - 4.1.1 Convicted of a criminal offense related to health care; or
 - 4.1.2 Excluded, suspended, debarred, or are otherwise ineligible to provide services under federally funded health care programs.
- 4.2 After obtaining the employee's signature of attestation, the signed attestation form will be placed in the employee's DMH-HRB file.
- 4.3 DMH-HRB will complete all required queries of sanction lists prior to completing an action to hire or transfer (from another County department) a new member of the LACDMH workforce.
- 4.4 The DMH Compliance, Privacy, and Audit Services Bureau (CPAS) will complete a sanction screening process for all LACDMH workforce members on a monthly basis. Screening will include the following sanction lists (See Authority 9):
 - 4.4.1 The OIG's List of Excluded Individuals and Entities (LEIE)
 - 4.4.2 The Medi-Cal Suspended & Ineligible Provider List (S&I) List
- 4.5 Upon completion of the screening process, designated CPAS staff will review names of staff with closely matching names found on the sanction lists.
 - 4.5.1 Records will be prepared for and maintained documenting the screening process. Screening data and information used to clear or confirm names shall be retained in file for seven years.



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- 4.6 All confirmed sanctioned individuals will be subject to immediate follow up actions to ensure that all billing activity is stopped immediately:
- 4.6.1 CPAS will immediately notify the responsible Program Manager, District Chief, Deputy Director, Compliance Officer, and Revenue Management Chief of the excluded and/or suspended finding.
 - 4.6.2 CPAS will notify the Chief Information Office and other units of a confirmed exclusion and/or suspension per LACDMH Policy No. 106.09, Removing Names of Sanctioned Individuals from the Rendering Provider List (Reference 1), to ensure sanctioned individuals cannot submit claims through the LACDMH claiming system.
- 4.7 If it is determined that an employee is excluded and/or suspended from federal program participation, either through sanction screening results or by direct employee notification, the manager or supervisor, in conjunction with the responsible Deputy Director, will coordinate the employee's termination from LACDMH employment with the Employee Relations Section of DMH-HRB.
- 4.7.1 The employee or employees confirmed to be excluded from federally funded health care programs will be notified of disciplinary action or termination of employment from LACDMH in accordance with this policy and LACDMH Policy No. 605.01, Discipline (Reference 2).
 - 4.7.2 Program Managers, in consultation with the responsible Deputy Director, will carefully coordinate the transfer of duties associated with employees who have provided direct clinical services and have been determined to be ineligible to provide direct and indirect services under federally funded health care programs.
 - 4.7.2.1 Executive Staff may, if appropriate, given the cause of exclusion, permit a brief period of continued employment for an excluded employee to allow for appropriate transition of direct clinical responsibilities to avoid causing any undue harm to the client(s). If this is permitted, the Executive Staff, in association with the Program Manager, must ensure that no direct service claims or indirect charges are submitted for the excluded employee during the period of continued employment.



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AUTHORITY

1. California Welfare and Institutions Code, Section 14043.61
2. California Welfare and Institutions Code, Section 14123
3. United States Code, Title 42, 1320a-7
4. Social Security Act, Section 1128A
5. Code of Federal Regulations, Title 42, Sections 1001-1901
6. Special Advisory Bulletin, Department of Health and Human Services, Office of the Inspector General, September 1999
7. Department of Health and Human Services, Office of the Inspector General, Publication of the OIG's Compliance Program Guidance for Medicare+Choice Organizations Offering Coordinated Care Plans
8. Los Angeles County Code, Appendix 1 to Title 5, Civil Service Rule #18
9. Performance Contract between California Departments of Mental Health and Health Care Services and Los Angeles County Department of Mental Health, Section 18, Program Integrity Requirements

REFERENCE

1. LACDMH Policy No. 106.09, Removing Names of Sanctioned Individuals from the Rendering Provider List
2. LACDMH Policy No. 605.01, Discipline

ATTACHMENT

1. [Statement of Ability to Provide Services under federally Funded Health Care Programs](#)

RESPONSIBLE PARTY

LACDMH Compliance, Privacy, and Audit Services Bureau